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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

BRUCE LENTO,

Defendant and Appellant.

B221306

(Los Angeles County
Super. Ct. No. PA064913)

APPEAL from a judgment of the Superior Court of Los Angeles County. Ronald S. Coen, Judge. Affirmed.

Bruce Lento, in pro. per., and Irma Castillo, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Bruce Lento entered a negotiated plea of no contest to a charge of transporting marijuana in violation of Health and Safety Code section 11360, subdivision (a). In conformity with the plea agreement, the trial court sentenced him to two years in prison, to run concurrently with his sentence in San Bernardino County Superior Court case No. FMV900442. The trial court awarded defendant two days of actual custody credit in the present case. The charges in this case stemmed from a May 19, 2009 traffic stop in Los Angeles County for speeding. Defendant consented to a search of his car, and officers found about 19 pounds of marijuana in the car trunk.

Defendant did not obtain a certificate of probable cause, but filed a timely appeal. We appointed counsel to represent defendant on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

Defendant filed a supplemental brief raising several matters. First, he contends that he should have been transferred to Los Angeles County in a timely manner so that he could accept a plea agreement. In relation to this claim, he states that he was in custody in San Bernardino, then in state prison, before he was transferred to Los Angeles County jail. He argues that if he had been transferred earlier, he would have received jail credit. At the sentencing hearing, defense counsel conveyed to the court defendant's argument for additional credit, although counsel acknowledged that defendant had been serving another sentence during the period for which he sought credit. Defendant was not entitled to receive duplicative credit against his Los Angeles County sentence for periods during which he was either serving his San Bernardino County sentence or awaiting sentencing in the San Bernardino County case. (Pen. Code, § 2900.5, subd. (b).) In a related argument, defendant contends the prosecutor misled him by promising that he would receive all of the credits to which he was legally entitled. As far as the appellate record

reveals, defendant received all of the credit to which he was legally entitled. Defendant was not entitled to duplicative credit.

Defendant further contends his trial attorney erred by failing to move to withdraw his plea on the basis of the court's failure to award additional credit. Defendant's failure to obtain a certificate of probable cause precludes him from raising this issue. (*People v. Johnson* (2009) 47 Cal.4th 668, 679–681.)

Defendant also asserts that he lost credit through delays in the proceedings. He argues that he was ready to accept a plea agreement at each appearance, but the prosecutor “was not ready.” As far as the appellate record reveals, defendant consented to every continuance. The record reflects that the prosecutor made a plea offer on July 2, 2009, but defendant did not accept it. Defendant had no right to force the prosecutor to make any plea offer at any time, and delays in the proceedings did not cost him any credit.

Finally, defendant argues that he had a medical marijuana defense available to him. This claim is not cognizable because defendant's plea admitted every element of the offense and negated the potential exculpatory effect of such a defense. (*People v. Hoffard* (1995) 10 Cal.4th 1170, 1178.)

DISPOSITION

The judgment is affirmed.

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MALLANO, P. J.

We concur:

ROTHSCHILD, J.

JOHNSON, J.